

MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF  
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM,  
VILLAGE HALL, ON WEDNESDAY, NOVEMBER 6, 1996.

**Members**

**Present:** Patrick J. Gilmartin, Chairman  
Robert Buford  
William Bush  
William Hoffman, Secretary  
Peter Lilienfield

**Also Present:** Brenda Livingston & Joseph Elliot, Ad  
Hoc Planning

Board Members,  
Eugene Hughey, Building Inspector  
Florence Costello, Planning Board Clerk  
Thomas Jackson, E.C.B. Chair  
Applicants and other persons mentioned in  
these Minutes  
Members of the Public.

**IPB Matters**

**Considered:** 94-03 -- Westwood Development  
Associates, Inc.

Sht. 10,11, Lot 25,25K,P25J2  
96-13 -- Louis Goodkind  
Sht 10F, Bl. 253, Lot 15  
96-20 -- Irvington Associates  
Sht. 12B, Lot #10  
96-21 -- Irvington Associates  
Sht. 12B, Lot #14  
96-22 -- Irvington Associates  
Sht. 12B, Lot #16  
96-23 -- Irvington Associates  
Sht. 12B, Lot #48  
96-24 -- Irvington Associates  
Sht. 12B, Lot #50  
96-25 -- Irvington Associates  
Sht. 12B, Lot #63  
96-26 -- Village of Irvington & Greyston

**Foundation**

Informal Discussion - Burnham  
Building

96-27 -- Walter Montgomery & Marian Gruber  
50 Ardsley Avenue West

The Chairman called the meeting to order at 8:00 P.M.

**Administrative Matters:**

- Jan Blaire (ECB) has five invitations to the Community Leadership Alliance Regional Conference and is extending the offer to Village Board and Planning Board Members.
- Mercy College Special Permit -- Chairman's letter dated October 10, 1996 to Mr. Hughey, Building Inspector, noting letter dated October 9, 1996 from John Kirkpatrick, Special Counsel to the Planning Board. All conditions established in the Resolution authorizing the grant of the Mercy College Special Permit have been met. Mr. Hughey stated that the special permit had not been issued. Mr. Gilmartin will contact Kevin Plunkett, Village Counsel, to develop a format for the special permit.
- Wells Subdivision -- At the time of the meeting there was a question as to whether the in-lieu fee had been paid. (Per discussion with Mr. Schopfer, Village Clerk-Treasurer, the in-lieu fee was paid October 22, 1996).

**IPB Matter #96-27:**

**Montgomery & Marian**

**Approval for**

**West.**

**Application of Walter**

**Gruber for Site Development Plan**

**property at 50 Ardsley Avenue**

Ken Kurtz, representing Stephen Tilley Architects, appeared for the Applicant. Applicant paid the required application fee and provided evidence of mailing of required Notice to Affected Property Owners. The proposed development consists of alteration to existing single family residence including enclosure of existing 135 sq. ft. screened porch and new 16 sq. ft. bay window on east side of house, and 40 sq. ft. addition at kitchen, and roof and 24 sq. ft. roof over existing stoop at north (rear) side of house.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

**WHEREAS**, the Planning Board has determined in accordance with Section 243-17 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist to make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this Application.

**IPB Matter #94-03:**                      **Application of Westwood**  
**Development**                                      **Associates,**  
**Inc., for Limited Site Development**  
**Plan Approval for property at Broadway,**  
**Riverview Road and Mountain Road.**

Mr. Charles Pateman appeared on behalf of the Application. He stated that the DEIS will be completed

and submitted within four to six weeks. The Chairman reminded Mr. Pateman that new notices must be sent because the adjournments have been over three months.

**IPB Matter #96-26:**  
**Irvington & Greyston**

**Discussion regarding**

**Application of Village of**  
**Foundation for Informal**  
**the Burnham Building.**

Mr. Stephen McCabe, Village Administrator, appeared for a preliminary discussion of the Site Plan for the Burnham building. At the request of the Village Board of Trustees, this is an initiation of the local approval process to amend the zoning code for a special permit to develop a combination twenty-two unit affordable housing/library facility at the Burnham site. Mr. McCabe went through the history and funding of the project. The intention is for the public hearing process to begin in December with a January appearance before the Planning Board.

The Chairman indicated the need for an opinion from the Village Attorney concerning the need for subdivision approval of this condo proposal. Mr. Lilienfield recused himself from all future discussion on this project since his Bank is involved.

Mr. McCabe then discussed informally a proposal for the Village to acquire 12.1 acres of riverfront land in conjunction with the Scenic Hudson Land Trust. The proposal would convert the industrial site to a public park with recreation facilities. The alternative could be for a large developer to propose a plan for over 200 condominiums on the site. He requested individual input from the Planning Board prior to the Board of Trustees decision December 2.

**Other matters considered:**

- 1) Receipt of copy of letter to Village Clerk from Mr. John Meyer dated 3/25/96 regarding Utility and Roadway Construction Compliance Statement Phase I and Phase II (Partial), Bracebridge, 2) "As-Built Survey prepared for R.R. Irvington Associates" (Sheet 1 of 2 revised

8/17/96) prepared by Ward Carpenter Engineers, Inc., 3)  
"As-Built Survey prepared for RR Irvington Associates  
(Sheet 2 of 2 revised 3/20/96) prepared by Ward  
Carpenter Engineers, Inc.

- Copy of letter to Village Clerk from Mr. John Meyer dated 10/16/96 regarding Bracebridge Utility and Roadway Construction Compliance Statement Phase I and Phase II (Partial), Statement of Substantial Construction Compliance for the recently completed sections of the public improvements serving Bracebridge. The improvements include portions of Phase I and Phase II roads and utilities as shown on the "As-Built" Survey prepared for R.R. Irvington Associates sheet 1 of 2 revised 10/15/96 and "As-Built" Survey prepared for R.R. Irvington Associates by Ward Carpenter Engineers, revised 10/15/96.
- David S. Steinmetz, Esq., filed Site Development Plan Approval Application for Lot #37, Irvington Associates LLC, Legend Hollow Subdivision, for review and public hearing at December 4, 1996 Planning Board meeting.

IPB Matter #96-20,21,22,23,24,25:      Application of  
Irvington Associates LLC, for  
Site Development Plan Approval  
for Lots 10,  
14, 16, 48, 50 and 63, Legend  
Hollow      Subdivision.

James Ryan, R.L.A., of John Meyer Consulting, David S. Steinmetz, Esq., of Shamberg Marwell Cherneff Hocherman Davis & Hollis, P.C., and Craig Studer, Project Manager at Legend Hollow, appeared for the Applicant. Applicant paid an application fee of \$1,500.00 (6 lots @ \$250.00), and provided an Affidavit of Publication and evidence of mailing of required Notice to Affected Property Owners. E.C.B. comments dated 11/05/96 and Ralph Mastromonaco's letter of 11/06/96 were considered. The Chairman asked that the Minutes reflect that the Planning Board during its recent site walk inspections had concluded that the 16 ft. carriageway on Easement "E" (now named Hampden Lane) was too narrow, and that the Board had concluded that in future any easement or private road giving access to more than two houses would have to have a carriageway at least 18 ft. wide.

**IPB Matter #96-20:**                    **Lot #10**

The Chairman opened the public hearing. There were no comments from the public. The Board closed the public hearing and took the following action. It approved Site Plan (Lot #10), dated 09/23/96, revised 10/31/96 which revision incorporated changes requested by the Planning Board during its site walk inspection plus comments from the Board's Consulting Engineer.

**IPB Matter #96-21:**                    **Lot #14**

The Chairman opened the public hearing. There were no comments from the public. The Board closed the public hearing and took the following action. It approved Site Plan (Lot #14), dated 10/09/96, revised 10/31/96 which revision incorporated changes requested by the Planning Board during its site walk inspection plus comments from the Board's Consulting Engineer.

**IPB Matter #96-22:**                    **Lot #16**

The Chairman opened the public hearing. There were no comments from the public. The Board closed the public hearing and took the following action. It approved Site Plan (Lot #16), dated 09/23/96, General Revisions 09/30/96 which revisions incorporated changes requested by the Planning Board during its site walk inspection plus comments from the Board's Consulting Engineer.

**IPB Matter #96-23:**                    **Lot #48**

The Chairman opened the public hearing. There were no comments from the public. The Board closed the public hearing and took the following action. It approved Site Plan (Lot #48), dated 09/26/96, revised 10/02/96, 10/08/96 and 11/04/96, which revisions incorporated changes requested by the Planning Board during its site walk inspection plus comments from the Board's Consulting Engineer.

**IPB Matter #96-24:**                    **Lot #50**

The Chairman opened the public hearing. There were no comments from the public. The Board closed the public hearing and took the following action. It approved Site Plan (Lot #50), dated 10/08/96, revised 11/05/96 which revision incorporated changes requested by the Planning

Board during its site walk inspection plus comments from the Board's Consulting Engineer.

**IPB Matter #96-25:**                      **Lot #63**

The Chairman opened the public hearing. James Wilson, a neighbor, had some comments about the drainage plan which were answered by Mr. Ryan to Mr. Wilson's satisfaction. The Board closed the public hearing and took the following action. It approved Site Plan (Lot #63), dated 10/09/96.

A letter from Craig A. Studer, Project Manager, to Mr. Dennis Flood was read concerning the issue of blasting (J. Blaire letter 9/16/96). All blasting is in accordance with State and local codes. Mr. Studer stated that they are operating below the maximum allowable blasting charge.

**IPB Matter #96-13:**                      **Application of Louis**  
**Goodkind for Site Capacity**  
**Determination & Proposed**  
**Subdivision for**  
**property at Harriman Road &**  
**Fieldpoint Drive.**

Gerald D. Reilly, Esq., appeared for the Applicant. The Chairman noted material was received too late to be considered at this meeting. The Chairman stated that he would request a review by Mr. Bruce Donohue, Environmental Consultant, and Ralph Mastromonaco as input to the next meeting.

The Board then considered the following administrative matters:

- Minutes of the Planning Board held on September 4, 1996 and October 2, 1996, previously distributed, were on motion duly made and seconded, approved.
- The next regular meeting of the Planning Board was scheduled for December 4, 1996.

There being no further business, the meeting was adjourned.

Respectfully submitted,

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William Hoffman, Secretary